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Before the
Federal Communications Commission
Washington, D.C. 20554

February 17, 1993

In the matter of)
Ensuring the privacy of)
cellular telephone) PR Docket No. 93-11
communications)

COMMENTS BY ROBERT J. CARPENTER OF ROCKVILLE, MD.

I, Robert J. Carpenter, of 12708 Circle Drive, Rockville, MD 20850, have been an FCC-licensed amateur radio operator since 1948. I have operated on most of the Amateur high- and very-high-frequency bands. While I do own a scanner, I do not use it to monitor any sort of telephone or police transmissions. Since scanners cover a very wide frequency range, they are used by FCC-licensed radio amateurs to make sure their equipment does not have unintended outputs outside the amateur bands. Take this reception ability away from FCC-licensed amateurs and you are increasing the likelyhood of unintended interference from amateur stations.

The proposed regulations are so broadly written that they could hit unintended targets. For example the 902 to 928 MHz band is now experiencing explosive growth for Amateur Radio and low power commercial applications. Surely much of this equipment could easily be modified to pick up signals in the 800 MHz range, even though the manfacturer didn't design it with that intention. This rule could deprive FCC-licensed radio amateurs of commercial equipment, such as frequency converters, for this interesting band. Frequency converters are the most common sort of equipment used by amateurs on this band.

After examining the text of Docket No. 93-11, I am also convinced that this proposed rule would NOT contribute to the stated objective of ensuring "the privacy of cellular telephone conversations."

Recent magazine articles on this topic indicate that there are already millions of scanning receivers in use that can receive frequencies in the 800 MHz range. The proposed rule would not not take effect for another year, providing ample opportunity for the sale of millions more.

Even if a scanner isn't capable of receiving signals in this frequency range, an easily-built converter can be used between the antenna and scanner to shift the frequency of the radio signals to those the scanner covers. Trying to ban such converters would be a futile effort. Almost any electronics hobbyist could build one from plans have already been published in electronics magazines.

Besides having no benefits, this proposed rule will have several negative results:

(1) The technically-ignorant public will be led to believe that their conversations are suddenly more secure. When they

learn the truth, they will be bitter and more distrustful of the telephone companies and government agencies that deceived them.

(2) It would set an unfortunate precedent. If we have a ban on receivers capable of receiving the cellular telephone range of frequencies, other businesses will expect the same treatment for "their" frequencies, further erroding the American policy of freedom-to-receive, which has existed for more than 60 years (with the UNIQUE exception of cellular telephones).

(3) As mentioned above, the regulations are likely to have a very serious negative effect on legitimate FCC-licensed amateur radio operation on the 902-928 MHz band.

There is only one solution which will provide the appropriate privacy for cellular telephone users. The cellular telephone companies must make encryption options available. These exist at an acceptable price. Any "thou-shalt-not-listen" rule will have no more effect than legislating against rain.

In summary, I urge the Commission to reject the proposed regulations in Docket 93-1 because they would likely create many problems for me and other FCC-licensed amateur radio operators, without making any progress toward the stated goal. Let the marketplace provide the answer to the privacy goal through encryption.

Respectfully submitted,

Robert J. Carpenter

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